

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JACK JOHN C HAMANN,

Plaintiff,

v.

ORDER

DR. CONRAD MAGNO, DDS,

22-cv-245-wmc

Defendant.

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*Pro se* plaintiff Jack John C. Hamann is proceeding on Eighth Amendment deliberate indifference and state-law negligence claims against defendant Dr. Conrad Magno. Before the court is Hamann's motion for a protective order prohibiting defendants from using certain medical records, which is not yet under advisement. (Dkt. 25.) Hamann has also filed a motion to compel Magno to respond to Hamann's discovery requests, which I will deny. (Dkt. 36.)

Hamann's motion to compel is premature. He says that he has not yet received any response to his discovery requests filed with the court on January 9, 2023, and sent to defendant via certified mail on January 13, 2023. He notes that the court ordered Magno to respond by January 27, 2023. Not so. In a prior order, the court ordered Magno to supplement his answer and to respond to Hamann's motion for a protective order by that date. (Dkt. 27 at 3.) As for Hamann's discovery requests, the court explained that he had to send such requests directly to defense counsel; the court did not order Magno to produce any discovery. Indeed, Magno would have 30 days to respond to Hamann's requests after receiving them, and it has not been even 30 days since Hamann mailed his requests. *See* Fed. R. Civ. P. 33, 34, 36. Moreover, in the event of a dispute between the parties about discovery, the parties must try to resolve the problem amongst themselves before seeking court intervention as explained in the court's pretrial conference order. (Dkt. 17 at 10.)

I will deny the motion without prejudice. This means that Hamann can again ask for court intervention if Magno fails to timely or adequately respond to properly propounded discovery requests and the parties are unable to resolve the problem on their own.

ORDER

It is ORDERED that plaintiff John Jack C. Hamann's motion to compel (dkt. 36) is DENIED without prejudice.

Entered this 3<sup>rd</sup> day of February, 2023.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge